



**Request for City Council Committee Action  
From the City Attorney's Office**

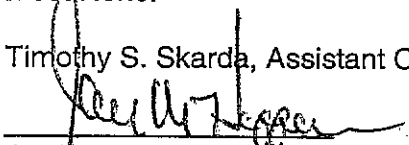
Date: September 10, 2002  
To: Ways & Means/Budget Committee  
Referral to: None

**Subject:** Riggle v. City of Minneapolis.

**Recommendation:** That the City Council approve settlement of the lawsuit filed by Daniel and Shannon Riggle, Hennepin County District Court file no. PI 02-4717, in the amount of \$29,000.00, payable to Daniel and Shannon Riggle in the amount of \$25,000, to the State of Minnesota in the amount of \$4,000 and to authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 4000.

**Previous Directives:** None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

Approved by:   
Jay M. Heffern  
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

**Financial Impact** (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact:**

City Goals: Build Community

**Background/Supporting Information**

This is a personal injury lawsuit brought by Daniel Riggle and his wife, Shannon Riggle, alleging negligence by the City of Minneapolis while tunneling under Interstate 94.

On March 16, 2000, Daniel Riggle, who is a trooper with the Minnesota State Patrol and was on duty at the time of the accident, was engaged in a traffic stop on Interstate 94 near the intersection with Lowry Avenue.

The City was performing micro-tunneling work under the highway. The work involved the construction and installation of a new storm drainpipe. The work was being done from a remote location at Washington and 33<sup>rd</sup> Avenue North. As Trooper Riggles was preparing to pull back into traffic a sinkhole suddenly opened in front of his vehicle on the shoulder of the interstate. Trooper Riggles drove into a hole that was approximately 5 feet deep. The squad car had to be towed from the scene.

City and State of Minnesota staff examined the scene of the accident. Apparently, the micro-tunneling had washed away the subsoil beneath the shoulder of the highway. Normally, micro-tunneling would not cause a sinkhole. There was some suspicion that leakage from the catch basin maintained by the State may have contributed to the incident.

Trooper Riggles suffered a low back injury. The medical records indicate that he has a bulging lumbar disk. His medical expenses, ongoing treatment and lost wages have been handled by the State of Minnesota as part of his workers' compensation claim filed with the State. Trooper Riggles has treated conservatively with physical therapy. Workers' compensation benefits are approximately \$12,000 to date. Trooper Riggles has continued to experience back pain since the incident. He has not been on regular patrol, but has been transferred to a light duty assignment providing security for the Governor.

It is clear that no negligence can be apportioned to Trooper Riggles. The sinkhole appeared suddenly and unexpectedly in front of his vehicle. The City was responsible for the tunneling work and the hole appeared in the area where the City was tunneling. The State was responsible for the maintenance of the catch basin in the area, however, it was not possible to investigate the condition of the catch basin because the incident has closed Interstate 94 during rush hour and the State ordered the hole filled and repairs completed. Public Works representatives concluded that the hole appeared because of the City tunneling and that the size of the hole was affected by the condition of the subsoil.

A court ordered mediation session was held on September 6, 2002, attended by Council Member Dan Niziolek, assistant city attorney Timothy Skarda and Brian Lokkessmoe, Mike Kennedy and Rich Profaizer, as representatives from the Department of Public Works. Initially, the Plaintiffs demanded \$60,000 in settlement of their claims. The State of Minnesota also asserted a separate claim for \$12,000 as its subrogation interest for workers' compensation benefits paid. The City could also be responsible to the State for future benefits paid to Trooper Riggles should his condition worsen. During the negotiations a proposed settlement was reached. The Plaintiffs would be paid \$25,000 in complete settlement of all claims, including costs and attorney's fees. The State of Minnesota would be paid \$4,000.00 in complete settlement of all subrogation claims, past, present or future. The reduction in the State claim takes into account that the State may have been partially at fault for the incident. All the representatives of the City present during the negotiations support the settlement in the amount stated and recommend approval by this Committee and the City Council.

Based on the foregoing it is our recommendation that the claims of Daniel and Shannon Riggles be settled in the amount of \$25,000.00 and the claims of the State of Minnesota be settled in the amount of \$4,000.00.